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Ann Marie Mewherter
Conley, Rose and Tayon, P. C.
P. O. Box 398
Austin, TX 78767-0398

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OFFICE OF PETITIONS

In re Application of
Scott Ashkenaz, et al.
Application No. 09/932,580
Filed: August 17, 2001
Attorney Docket No. 5589-04400

ON PETITION

This is in response to the Petition under 37 CFR 1.47(a), filed March 28, 2002.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration submitted fails to set forth a signature block for joint inventor C. Thomas Larson which also includes his citizenship, residence and mailing address. Accordingly, a declaration in compliance with 37 CFR 1.63 and 1.64 and signed by joint inventor Scott Ashkenaz on behalf of himself and Mr. Larson is REQUIRED. See MPEP 409.03(a).

In order to expedite consideration, petitioner may wish to submit the Request for Reconsideration under 37 CFR 1.47(a) by facsimile transmission to the telephone number indicated below and to the attention of Marianne Morgan.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Commissioner for Patents
 Box DAC
 Washington, DC 20231

OR

U.S. Patent and Trademark Office
P. O. Box 2327
Mail Stop DAC
Arlington, VA 22202

By FAX: (703) 308-6916
 Attn: Office of Petitions

By Hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, VA 22202

Any questions concerning this decision should be directed to Marianne Morgan at (703) 306-3475.

Frances Hicks

Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy